

JS 44  
(Rev. 07/06)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of indicating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**NOVEMBER 13, 2007**  
**MICHELE W. BROWN**  
**CLERK, U.S. DISTRICT COURT**

**I (a) PLAINTIFFS** LABORERS' PENSION FUND and  
LABORERS' WELFARE FUND OF THE HEALTH  
AND WELFARE DEPARTMENT OF THE  
CONSTRUCTION AND GENERAL LABORERS'  
DISTRICT COUNCIL OF CHICAGO AND  
VICINITY, et al.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** Cook  
(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**

KEVIN D. BROWN, d/b/a ALLSTAR CONSTRUCTION.,

**07 C 6422**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
Office of Fund Counsel  
53 W. Jackson Blvd., Suite 550  
Chicago, IL 60604-3607  
(312) 692-1540

ATTORNEYS (IF KNOWN) **JUDGE BUCKLO** **MAGISTRATE JUDGE VALDEZ****J. N.****II. BASIS OF JURISDICTION**

(PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff  
 3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX  
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. This is an action based upon

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY. Defendant's delinquencies and failure to timely make contributions to and/or submit to an audit by Plaintiff Funds, in violation of Section 515 of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. Section 1145, and Section 301 of the Labor Management Relations Act ("LMRA"), 29 U.S.C., Sec. 185

**V. NATURE OF SUIT** (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 450 Commerce/ICC Rates/e	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 480 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 490 Securities/Commodities Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 500 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 510 Agricultural Acts	
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 390 Other Personal Property Damage	<input type="checkbox"/> 520 Economic Stabilization Act	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 530 Environmental Matters	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 422 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentences	<input type="checkbox"/> 540 Energy Allocation Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 423 Housing/ Accommodations	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 550 Freedom of Information Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 560 Appeal of Fee Determinations Under Equal Access to Justice	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 570 Torts (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 250 All Other Real Property			<input type="checkbox"/> 580 IRS - Third Party 26 USC 7608	
<input type="checkbox"/> 510 Fair Labor Standards Act			<input type="checkbox"/> 590 Other Labor Litigation	
<input type="checkbox"/> 520 Labor/Mgmt. Relations			<input type="checkbox"/> 600 Empl. Ret. Inc. Security Act	
<input type="checkbox"/> 530 Labor/Mgmt. Reporting & Disclosure Act			<input type="checkbox"/> 610 HIA (1365f)	
<input type="checkbox"/> 540 Railway Labor Act			<input type="checkbox"/> 620 Black Lung (923)	
<input type="checkbox"/> 550 Other Labor Litigation			<input type="checkbox"/> 630 DWHC (405(g))	
<input type="checkbox"/> 560 Empl. Ret. Inc. Security Act			<input type="checkbox"/> 644 SSID Title XVI	
			<input type="checkbox"/> 655 RSI (405(g))	
			<input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 671 IRS - Third Party 26 USC 7608	
			<input type="checkbox"/> 680 Other Statutory Actions	

**VI. ORIGIN**

(PLACE AN X IN ONE BOX ONLY)

1 Original  
Proceeding  2 Removed from  
State Court  3 Remanded from  
Appellate Court  4 Reinstated or  
Reopened  5 Transferred from  
another district  
(specify)  6 Multidistrict  
Litigation

7 Appeal to District  
Court  
 Judge from  
Magistrate  
Judgment

**VII. REQUESTED IN  
COMPLAINT:**CHECK IF THIS IS A CLASS ACTION  
 UNDER F.R.C.P. 23**DEMAND \$**Check YES only if demanded in complaint  
**JURY DEMAND:**  YES  NO**VIII. REMARKS**In response to  is not a refiling of a previously dismissed action  
General Rule 2.21D(2) this case  is a refiling of case number \_\_\_\_\_ of Judge \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Hal Chms*